

Fiscal Note

Fiscal Services Division



SF 401 – ADA-Compliant Fuel Pumps (LSB 1630SV)

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Fiscal Note Version – New

Description

Senate File 401 requires retail dealers of motor fuel that sell gasoline or diesel fuel to comply with the Federal Americans with Disabilities Act (ADA). This Bill creates additional State standards, and requires compliance inspections to be conducted by the Department of Agriculture and Land Stewardship (DALs).

The following is required of retail gas stations:

- Maintain at least one motor fuel pump that complies with ADA standards.
- Provide assistance to customers requiring help pumping fuel during normal business hours.
- Post a sign stating direct telephone numbers of individuals that may be contacted for assistance and the hours help is available.
- Post the international symbol of accessibility next to the daily price of fuel.
- If not compliant, the gas station is prohibited from dispensing motor fuel from a single pump on the site.

The following is required of the Department:

- Inspect each of Iowa's approximately 3,500 gas stations for compliance with the ADA during the course of a normal inspection.
- Issue cease and desist orders and civil penalties to gas stations not in compliance with the ADA.
- Adopt rules to enforce new ADA standards for gas stations.

Background

The United States Department of Justice updated ADA accessibility standards in 2010 to include a number of establishments, including gas stations. New ADA requirements became applicable in March of 2011. In Iowa, the DALs is charged with responsibility to annually inspect all 36,900 statewide fuel pumps. In recent years, the DALs has fallen short of annual requirements, and has inspected all fuel pumps in approximately 14 months.

Assumptions

Some components of implementing this Bill are unknown. It is not possible to anticipate how ADA inspections will impact inspection scheduling. However, new inspection duties will increase time at each station. In addition to inspection scheduling, investigating complaints, training, and issuing cease and desist orders will add to existing job duties. The time required to meet these new duties is unknown, but is expected to further delay inspection timing. It is assumed that the Bill will require the Department to hire two additional inspectors to maintain a 14-month inspection schedule.

To develop inspection procedures, the Department will hire outside consultation. Currently, the DALs has no experience or expertise in the ADA. It is assumed that the Department will hire

outside consultants on an ongoing basis to assist with ADA inspections. The potential for an increase in civil penalties is unknown. There is no estimate of the number of Iowa gas stations currently not in compliance with ADA standards.

The Department estimates the following costs to implement this legislation:

- An expense of \$25,000 in FY 2014 for ADA compliance consulting and training.
- An expense of \$112,000 and 2.00 FTE positions in FY 2014 and each year after to inspect gasoline pumps. These FTEs will be traditional fuel pump inspectors.
- An expense of \$60,000 in FY 2014 to purchase trucks and equipment.

Fiscal Impact

This Bill will increase General Fund expenditures for the DALS by \$197,000 and 2.00 FTE positions for FY 2014 and by \$112,000 for each year after.

Sources

Department of Agriculture and Land Stewardship
LSA Analysis

/s/ Holly M. Lyons

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
